Amendments to the Claims

| | Claim 1 (Original): | Hybrid maize seed designated 34M94, representative seed of said hybrid |
|----|---------------------|--|
| | 34M94 having | been deposited under ATCC accession number |
| | Claim 2 (Original): | A maize plant, or its parts, produced by the seed of claim 1. |
| | Claim 3 (Original): | Pollen of the plant of claim 2. |
| | Claim 4 (Original): | An ovule of the plant of claim 2. |
| W) | hybrid maize [| nended): A tissue culture of regenerable cells or protoplasts of a plant 34M94, representative seed of said hybrid maize plant 34M94 having dunder ATCC accession number |
| | ~ · | said cells having been isolated from a tissue selected from the group leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, |
| | | A maize plant, or its parts, regenerated from the tissue culture of claim 5 of expressing all the morphological and physiological characteristics of plant 34M94, representative seed having been deposited under ATCC |



Claim 8 (Currently amended): The maize plant of claim 2 wherein said <u>maize</u> plant further comprises a genetic factor conferring male sterility.

Claims 9-19 (Cancelled)

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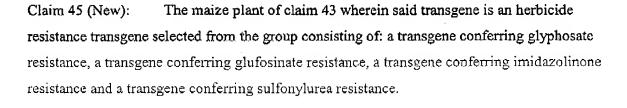
| Claim 20 (Original). A maize plant, or its parts, having an the morphological and physiological |
|---|
| characteristics of the plant of claim 2. |
| |
| Claims 21-32 (Cancelled) |
| |
| Claim 33 (Previously added): A method of making a hybrid maize plant designated 34M94 |
| comprising: |
| crossing an inbred-maize plant-GE568044, deposited as with a second inbred |
| maize plant GE533486, deposited as; and |
| developing from the cross a hybrid maize plant representative seed of which having been |
| deposited under ATCC Accession Number |
| Claims 34-41 (Cancelled) |
| |



Claim 42 (New): A method of developing a transgenic 34M94 maize plant, comprising transforming at least one of the inbred parents of 34M94 with a transgene, wherein a representative sample of said inbred parents have been deposited as ______ for GE568044 or _____ for GE533486, and crossing said inbred parents to produce a transgenic 34M94 hybrid maize plant.

Claim 43 (New): The maize plant of claim 42 wherein said transgene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 44 (New): The maize plant of claim 43 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.



Claim 46 (New): A method of developing a backcross conversion 34M94 hybrid maize plant, comprising backcrossing a gene into at least one of the inbred parents of 34M94, wherein a representative sample of said inbred parents have been deposited as ______ for GE568044 or _____ for GE533486, and crossing said inbred parents to produce a transgenic 34M94 hybrid maize plant.

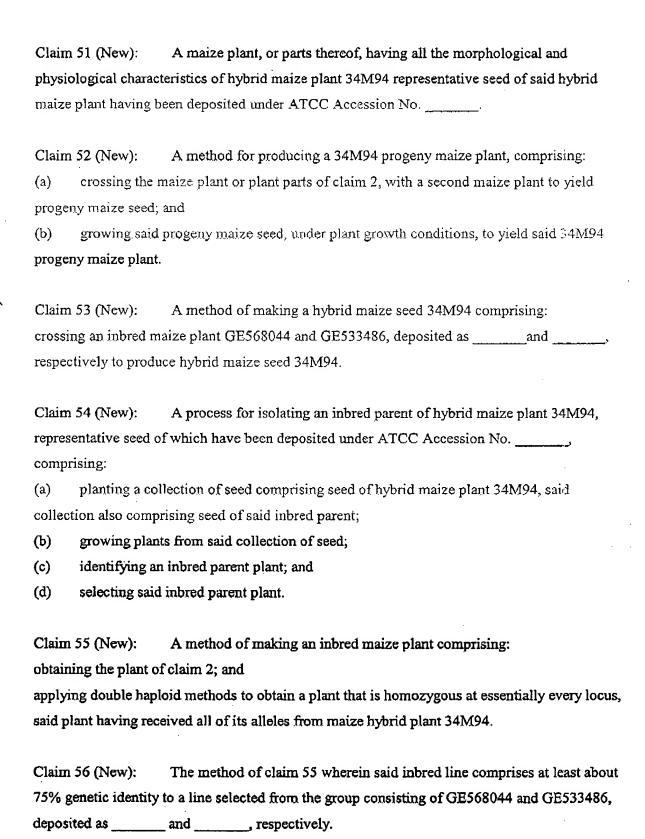
Claim 47 (New): A method of making an inbred maize plant comprising: obtaining the plant produced by the method of claim 46; and applying double haploid methods to obtain a plant that is homozygous at essentially every locus, said plant having received all of its alleles from maize hybrid plant 34M94.

Claim 48 (New): The maize plant of claim 46 wherein said gene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 49 (New): The maize plant of claim 48 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 50 (New): The maize plant of claim 48 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.





Claim 57 (New): A method for producing a 34M94 progeny maize plant comprising:

- (a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a 34M94 progeny maize plant.

Claim 58 (New): A maize plant produced by the method of claim 57, said maize plant having received all of its alleles from hybrid maize plant 34M94.

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Claim 59 (New): A method for producing a population of 34M94 progeny inbred maize plants comprising:

- (a) growing the plant of claim 2 and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a population of 34M94 progeny inbred maize plants.

Claim 60 (New): A maize plant from the inbred population of maize plants produced by claim 59, said plant having received all of its alleles from hybrid maize plant 34M94.

Claim 61 (New): A method for developing a maize plant in a maize plant breeding program comprising:

obtaining the maize plant, or its parts, of claim 2; and utilizing said plant or parts as a source of breeding material.

Claim 62 (New): An 34M94 progeny maize plant, or parts thereof, wherein at least one ancestor of said 34M94 progeny maize plant is the maize plant of claim 2, and wherein the pedigree of said 34M94 progeny maize plant has 2 or less breeding crosses to a plant other than 34M94.